

SPECIAL ISSUE

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REPUBLIC OF KENYA

KILIFI COUNTY GAZETTE SUPPLEMENT

BILLS, 2014

NAIROBI, 19th September, 2014

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THE KILIFI COUNTY EMBLEMS, SYMBOLS AND ORDER OF PROTOCOL BILL, 2014

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FIRST SCHEDULE—County Symbols

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THE KILIFI COUNTY EMBLEMS, SYMBOLS AND ORDER OF PROTOCOL BILL, 2014

A Bill for

**AN ACT of the County Assembly of Kilifi to
prescribe and provide for the county flag, the
county coat-of-arms, the county public seal and
the Standard and to prevent the improper use of
the county symbols for professional or
commercial purposes, and for connected
purposes**

ENACTED by the County Assembly of Kilifi, as
follows—

PART I—PRELIMINARY

1. This Act may be cited as the Kilifi County Emblems, Symbols and Order of Protocol Act, 2014 and shall come into operation upon the assent of the Governor.

Short title.

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

Application.

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

Interpretation.

“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;

“Executive Committee Member” means the Member of Executive Committee responsible for Public Service Management;

“Governor” means the Kilifi 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

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

Declaration of
County symbols.

(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 Kilifi 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 Kilifi 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.

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

Offence of
disrespecting
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—

Prohibition of
improper use of
county symbols.

- (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 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 a County Symbol or any specified emblem 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, website 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 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, on conviction, to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

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 a 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.

Prohibition of registration of certain companies, etc.

Cap. 99.

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

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

prosecution
Cap. 99.

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.

Power of seizure
Cap. 99.

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

Use of County Flag
by certain county
government officials.

Hoisting of the County Flag

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

Hoisting of the
County Flag.

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

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

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.

The Standard and
use of other symbols
by the Governor.

(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.

13. The Executive Committee Member shall be the custodian of the County Flag, emblems, coat-of-arms and all other symbols protected by this Act.

14. The order of protocol within the county shall be as provided for under the Third Schedule.

Order of Protocol.

15. The salutations within the county are as follows—

Salutations.

- (a) the Governor and any visiting Governor shall be referred to as His Excellency the Governor;
- (b) the Deputy Governor and any visiting Deputy Governor shall be referred to as His 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.

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

Regulations.

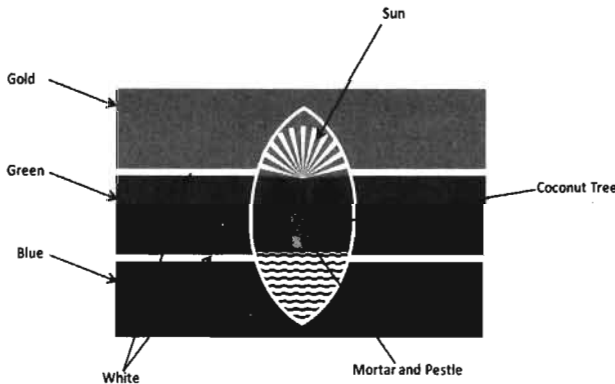
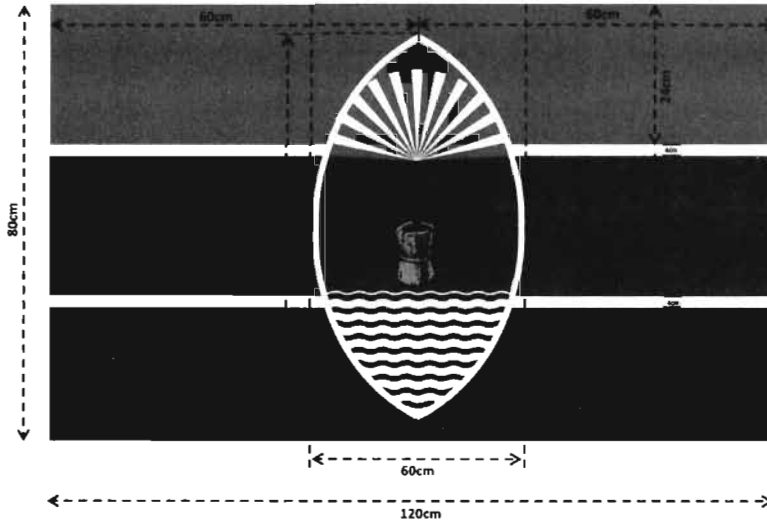
- (a) prescribing the occasions upon which, the persons by whom and the manner in which the County Flag may be flown or displayed, as the case may be;
- (b) prohibiting, controlling or restricting the use of any specified County Symbol, specified likeness or specified name and to illustrate the manner in which a person disrespects any of the County Symbols;
- (c) regulating the manner in which application may be made to him or her 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 all or any 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 5 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) make amendments to the Order of Protocol ; and
- (l) generally for carrying this Act into effect.

FIRST SCHEDULE Section 2

PART I

COUNTY FLAG OF KILIFI COUNTY



DESCRIPTION

Gold—symbolizes the county's mineral wealth.

Green—symbolizes the county's agricultural wealth.

Blue—symbolizes the county's Aquatic and tourism resources.

White—symbolizes peaceful coexistence.

Sun—symbolizes rebirth and the source of life, light, hope for the future and humanity.

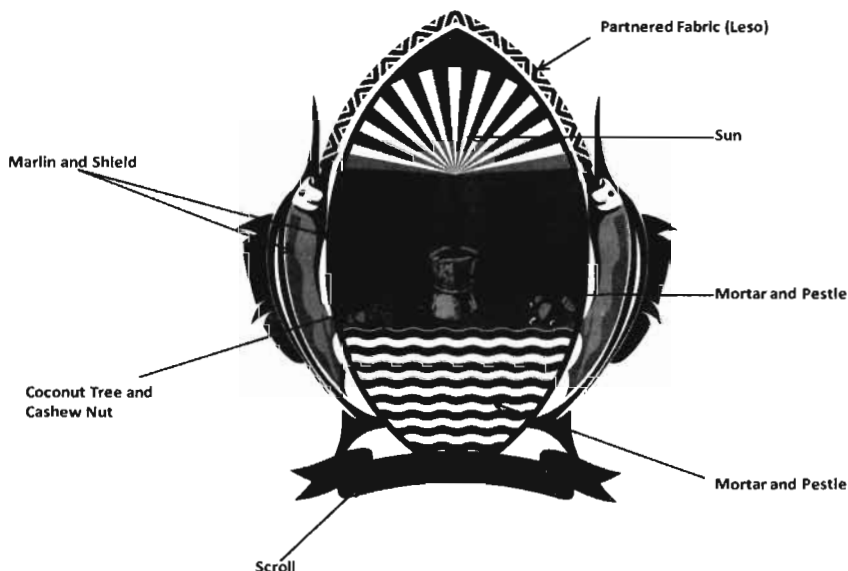
Coconut Tree—symbolizes the county's potential agricultural resource.

Mortar and Pestle—symbolizes a major aspect of the county's cultural heritage.

FIRST SCHEDULE Section 2

PART II

KILIFI COUNTY COAT-OF-ARMS



DESCRIPTION

Marlin and Shield—symbolizes the county as a defender of the county's cultural heritage and economic resources.

Coconut Tree and cashewnut—symbolizes the county's potential major source of agricultural wealth.

Mortar and Pestle—symbolizes a major aspect of the county's cultural heritage.

Sea—symbolizes the county's Aquatic and tourism resources.

Scroll—symbolizes the pursuit of positive development and knowledge.

Sun—symbolizes rebirth and the source of life, light and humanity.

Parterned fabric (Leso)—symbolizes the multi-ethnic and cultural nature of the county.

White—symbolizes peaceful coexistence.

COLOR PROPERTIES

Below are the colors properties for both the flag and coat-of-arms:

COLOUR

COLOR PROPERTIES

GOLD—C 8.4%, M37%, Y100%, K0%

GREEN—C 100%, M8%, Y100%, K0%

BLUE-SEA—C 100%, M25%, Y3%, K0%

FIRST SCHEDULE Section 2

PART III

KILIFI 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 Dignities

His/Her Excellency the Governor.

The Deputy Governor.

The Speaker.

SECOND SCHEDULE *Section 3*

COUNTY OFFICIALS WHO MAY HOIST THE COUNTY FLAG ON OFFICIAL VEHICLES

1. The Governor.
2. The Deputy Governor.
3. The Speaker of the County Assembly.
4. The County Executive Committee Members.
5. The Kilifi County Senator and Kilifi County Women Representative, while performing duties within the county.

THIRD SCHEDULE *Section 14*

The following will be the order of protocol within the county:

1. The President.
2. The Deputy President.
3. The Governor.
4. The Deputy Governor.
5. Speaker of the Senate.
6. Speaker of the National Assembly.
7. Senator.
8. Cabinet Secretary.
9. Speaker of the County Assembly.
10. County Executive Committee Member/County Attorney-General/Member of Parliament/Women Representative/County Secretary.
11. Member of the County Assembly.

MEMORANDUM OF OBJECT AND REASONS

The principle purpose of this Bill is to prescribe and provide for the County Symbols of Kilifi County. These County Symbols include the County Flag, the county coat-of-arms, the county public seal and the Standard. The Bill also seeks to provide for the application of the National Flag, Emblems and Names Act (Chapter 99, Laws of Kenya) in matters relating to the use of the Kilifi County Symbols. This Bill also provides for salutations and the Order of Protocol within the county.

The Bill is structured as follows:

Clause 1. provides for the short title of the Act.

Clause 2. provides for the application of the Act to Kilifi County.

Clause 3. provides for the interpretations of terms used in the Bill. This is intended to provide clarity during the implementation of the Act.

Clause 4. declares the County Symbols of Kilifi County.

Clause 5. provides for the offence of disrespecting County Symbols.

Clause 6. prohibits the improper use of County Symbols.

Clause 7. prohibits the registration of certain companies.

Clause 8. applies section 6 of the National Flag, Emblems and Names Act, Cap. 99, with respect to prosecution for offences punishable under the Act.

Clause 9. applies section 7 of the National Flag, Emblems and Names Act, Cap. 99, with respect to search and seizure for offences punishable under the Act.

Clause 10. sets out the list of County Government officials who may hoist the County Flag on their official motor vehicles.

Clause 11. provides for hoisting of the County Flag.

Clause 12. provides for the use of the Standard and other County Symbols by the Governor.

Clause 13. provides for the custodian of the County Flag, emblems, coat-of-arms and other symbols as the Executive Member for Public Service Management.

Clause 14. provides for the Order of Protocol as stipulated in the Third Schedule.

Clause 15. provides for the salutations for county officials and persons visiting the county on official capacity.

Clause 16. provides that the Executive Committee Member responsible for Public Service Management may make Regulations as regards the use of County Symbols, with the approval of the County Assembly.

The enactment of this Bill shall not occasion additional expenditure to the County Government.

Dated the 23rd July, 2014.

RACHEAL M. MUSYOKI,
Executive Member,
Office of the Governor and Public Service Management.

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