

SPECIAL ISSUE

Kisumu County Gazette Supplement No. 15A (Acts No. 3A)



REPUBLIC OF KENYA

***KISUMU COUNTY GAZETTE
SUPPLEMENT***

ACTS, 2014

NAIROBI, 11th July, 2014

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COUNTY ASSEMBLIES FORUM (CAF)

P. O. Box 73552 - 00200,

NAIROBI, KENYA

2014

Kisumu County Flags, Emblems and Names

NO. 3A

**THE KISUMU COUNTY FLAGS, EMBLEMS AND NAMES ACT,
2014**

No. 3A of 2014

Date of Assent: 7th July, 2014

Date of Commencement: 21st July, 2014

ARRANGEMENT OF CLAUSES

Clause

PART I — PRELIMINARY

- 1— Short title.
- 2— Interpretation.
- 3— Kisumu County flag, Armorial, Insignia and Seal.
- 4— Prohibition of improper use of emblems, names and likenesses.
- 5— Prohibition of registration of certain companies etc.
- 6— Prohibition of display of certain flags.
- 7— Sanction for prosecution.
- 8— Officials authorized to fly the county flag.
- 9— Hoisting of County Flag.
- 10— Power of seizure.
- 11— Custodian of the County Flag.
- 12— The national Flag as a symbol of unity.
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SCHEDULES

FIRST SCHEDULE

- I. EMBLEMS**
- II. NAMES AND WORDS**
- III. OFFICES AND DIGNITARIES**

**THE KISUMU COUNTY FLAG, EMBLEMS AND
NAMES ACT 2014**

**AN ACT of the Kisumu County Assembly to prevent
the improper use of the Kisumu county flag and
emblems, names and likeness for commercial
purposes and to prohibit the display of the flag.**

ENACTED by Kisumu County Assembly as follows—

1. This Act may be cited as the Kisumu County Flag,
Emblems and Names Act, 2014.

Short title.

2. “Specified emblem” means any emblem, seal, flag,
permanent, insignia, ensign or coat of arms of a kind
specified in Part 1 of the First Schedule to this Act.

Interpretation
In 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
include any abbreviation of any such name.

County Assembly badge” means a badge representing
the Armorial Ensigns issued by or under authority of the
Speaker of the County Assembly.

“County premises” means any premises used wholly
or partly for Kisumu County purposes but do not include
any building used primarily for residential purposes.

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

Kisumu County
Flag, Armorial,
Insignia and Seal.

(2) The heraldic device of which the blazon and
description are set out in Part II of the Second Schedule to
this Act is hereby declared to be Armorial Ensigns of
Kisumu County (in this Act referred to as the Kisumu
Armorial Ensigns).

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

4. (1) Notwithstanding anything contained in any law
for the time being in force, no person shall, except with the

Prohibition of
improper use of
emblems, names and
likenesses.

2014

Kisumu County Flags, Emblems and Names

written permission of the Kisumu County Secretary —

- (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 colorable imitation thereof, in the title of any patent or in any trademark 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 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 five thousand shillings, or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

5. Notwithstanding anything contained in any law for the time being in force, no authority empowered or required by law to register any company, firm or other body of persons, or any trade mark or design, or to grant patent, shall —

Prohibition of
registration of
certain companies
etc.

- (a) Register any company, firm or other body of persons under any name; or
- (b) Register a trade mark or design which bears any emblem, name, word or likeness; or
- (c) Grant a patent in respect of an invention which

COUNTY ASSEMBLIES FORUM (CAF)
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No. 3A

Kisumu County Flags, Emblems and Names

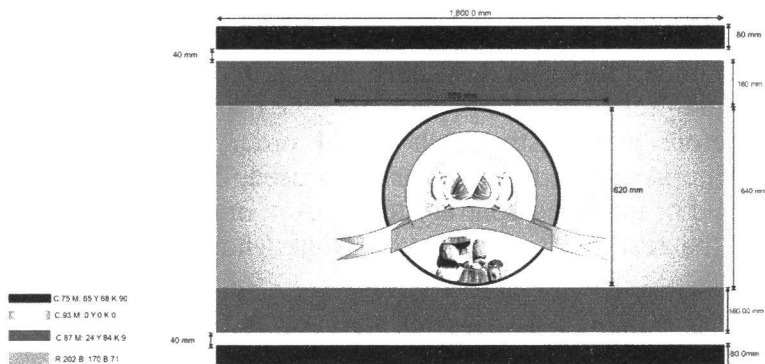
Regulations

14. The County Cabinet may make regulations —

- (a) Prescribing the occasions upon which, the persons by whom and the manner in which the Kisumu County Flag or the Armorial Ensigns 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 him for his permission under section 3 of this Act, prescribing the form of any license by which such permission may be given and fixing any fee for such application and license.;
- (d) Generally for carrying this Act into effect

FIRST SCHEDULE

COUNTY GOVERNMENT OF KISUMU FLAG



COUNTY GOVERNMENT OF KISUMU PUBLIC SEAL



COUNTY GOVERNMENT OF KISUMU COAT OF ARM**PART I—EMBLEMS**

1. The Kisumu County Government Flag and the Armorial Ensigns of Kenya.
2. The Kisumu County Government seal.
3. The Emblem or official Seal of the Kisumu County Government.
4. Any Orders, Insignias, Medals, Badges and Decorations instituted by Act of Kisumu County Assembly.

PART II—NAMES AND WORDS

1. The name of the Governor
2. The words Kisumu County Government and Kisumu County Assembly.

PART III— OFFICES AND DIGNITIES

1. The Governor.
2. The Speaker.

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