

SPECIAL ISSUE

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REPUBLIC OF KENYA

MERU COUNTY GAZETTE SUPPLEMENT

BILLS, 2015

NAIROBI, 15th May, 2015

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THE MERU COUNTY SYMBOLS AND EMBLEMS BILL, 2015**A Bill for**

AN ACT of the County Assembly of Meru to provide for the use of the Meru County symbols and emblems, to prevent the improper use of the County Symbols and Emblems comprising of certain emblems, names, words and likeness for professional and commercial purposes, and to prohibit the display of the County flag and for connected purposes.

ENACTED by the County Assembly of Meru as follows—

PART I—PRELIMINARY**Short title and Commencement**

1. This Act may be cited as the Meru County Symbols and Emblems Act, 2015 and shall come into operation on such date as the Governor may, by notice in the gazette appoint, or upon expiry of fourteen days after the date of assent by the Governor.

Interpretation

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

“County” means the County of Meru;

“County symbols” comprise of the County Flag, County Court of Arms and County Public seal as declared in Section 3 and described in the second schedule to this Act.

“Gazette” means the Meru County Gazette or the Kenya Gazette;

“Governor” means the Governor of Meru County;

“Specified Emblem” means any emblem, seal, flag, pennant, insignia, ensign or Coat of Arms of a kind specified in part one of the First Schedule to this Act;

“Specified Name” means any of the names and words specified in part three of the First Schedule to this Act, and include any abbreviation of any such name.

PART II—GENERAL PROVISIONS**The Meru County Flag, Coat of Arms and Public Seal declared**

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 Meru County Flag.

(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 the Meru County Coat of Arms.

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

Prohibition of improper use of certain Emblems, Names and Likenesses

4. (1) Notwithstanding anything contained in any law of the time being in force, no person shall, except with the written permission of the Governor—

- (a) Use any specified emblem, 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 emblems, 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 Sub-section.

(2) Sub-section (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 of any trade, business, calling or profession.

(3) Any permission given under Sub-section (1) of this section may be given subject to such conditions as the Governor 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 Kenya shillings five thousand or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

(5) No prosecution for any offence punishable under this section shall be instituted except with the authority of Meru County enforcement office.

Prohibition of registration

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 any other body of persons, or any trade mark or design, or to grant a patent, shall —

- (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 bears a title containing any emblem, name or word, if the use of such name, emblem, word or likeness would be in contravention of Section 4 or this Act, and any purported registration or grant made contrary to this Section shall be absolutely void and ineffective for all purposes.

Prohibition of display of certain Flags

6. (1) No person shall display at any place or premises any flag or banner or permit any flag or any banner to be so displayed, being in either case a flag or banner (other than a specified emblem) which is reputed to belong, or is held out by any authority as belonging to the Meru County.

(2) Any person who contravenes Sub-section (1) of this section shall be guilty of an offence and liable to a fine not exceeding Kenya shillings five thousand or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

(3) No prosecution for any offence punishable under this section shall be instituted except with the authority in writing of the Meru County enforcement office.

Power of seizure

7. (1) If a police officer or County enforcement officer has reasonable cause to believe that something which has been used, displayed, manufactured or imported contrary to this Act is to be found on any premises, he may require the person in charge or appearing to be in charge of the premises to allow him to enter the premises and to afford him all reasonable facilities for a search thereof, and if entry cannot within a reasonable period be so obtained, the officer may warrant entry into the premises and search therein.

(2) If a police officer or County enforcement officer finds on any premises anything in respect of which he has reasonable cause to believe that an offence under this Act has been committed by any person, he may

seize that thing, and where he does so shall bring it before a magistrate, who shall order it to be forfeited if he is satisfied that it has been used, displayed, manufactured or imported contrary to this Act, or else shall order it to be restored to the person from whom it was seized.

Power to amend First schedule

8. The Governor may, by notice in the Gazette, amend the First schedule to this Act.

Regulations

9. The Governor, in consultation with the County Executive Committee may make regulations—
- (a) Prescribing the occasions upon which, the persons by whom and the manner in which the Meru County Flag or the Meru County Coat of Arms may be flown or displayed as this 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 4 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 the better carrying out of purposes of this Act and bringing the Act into effect.

PART III—SCHEDULES

FIRST SCHEDULE

PART I—EMBLEMS

1. The Meru County Flag
2. The Meru County Coat of Arms
3. The Meru County Public Seal

SECOND SCHEDULE**PART I—THE MERU COUNTY OFFICIAL FLAG**

Mountain with 3 Peaks – Represent the home of Mt. Kenya, Unity and Harmony of the Meru Culture.

Green Colour – Represents the productivity of the Meru County and aspiration of Meru people to live in harmony with the environment.

River from Mountain - represents energy, life, hard work and aspirations of the people of Meru for peace to flow to all corners and the people of the Meru County.

Nine Orange Rays – Represents a new beginning for the community of Meru, the 9 Sub-Counties of Meru County as well as the warm welcoming nature of Meru people.

PART II—THE MERU COUNTY OFFICIAL COAT OF ARMS

P.O. Box 73552 - 00200,
NAIROBI, KENYA



Mountain with 3 Peaks – Represent the home of Mt. Kenya, Unity and Harmony of the Meru Culture.

Green Colour – Represents the productivity of the Meru County and aspiration of Meru people to live in harmony with the environment.

River from Mountain - represents energy, life, hard work and aspirations of the people of Meru for peace to flow to all corners and the people of the Meru County.

Nine Orange Rays – Represents a new beginning for the community of Meru, the 9 Sub-Counties of Meru County as well as the warm welcoming nature of Meru people.

PART III—THE MERU COUNTY OFFICIAL PUBLIC SEAL

Mountain with 3 Peaks – Represent the home of Mt. Kenya, Unity and Harmony of the Meru Culture.

Green Colour – Represents the productivity of the Meru County and aspiration of Meru people to live in harmony with the environment.

River from Mountain - represents energy, life, hard work and aspirations of the people of Meru for peace to flow to all corners and the people of the Meru County.

Nine Orange Rays – Represents a new beginning for the community of Meru, the 9 Sub-Counties of Meru County as well as the warm welcoming nature of Meru people.

MEMORANDUM OF OBJECTS AND REASONS

This Bill is drawn pursuant to Section 4 of the County Government Act, 2012 and aims at providing for the use of the Meru County symbols and emblems, to prevent the improper use of the County symbols and emblems, prohibiting the wrongful display of the County flag and connected purposes.

Part I of the Bill provides for preliminary provisions.

Part II of the Bill provides for the design of the County flag, prohibits improper use of certain emblems, names and reasons, prohibits registration of patents, trademarks or design bearing an emblem, name or word, prohibits display of the County flag that does not bear the emblem or the colour of the County. Provides for power to seize and to amend, and also covers regulations.

Part III of the Bill deals with the miscellaneous provisions and schedules.

GEOFFREY MAORE NGORE,
Chairperson-Justice and Legal Affairs Committee.