

SPECIAL ISSUE

Tana River County Gazette Supplement No. 7 (Bills No. 6)



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REPUBLIC OF KENYA

**TANA RIVER COUNTY GAZETTE
SUPPLEMENT**

BILLS, 2014

NAIROBI, 16th July, 2014

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Bill for Introduction into the Tana River County Assembly—

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The Tana River County Flags and Emblems Bill, 20141

**THE TANA RIVER COUNTY FLAGS AND
EMBLEMS BILL, 2014**

A Bill for

AN ACT of the County Assembly of Tana River to provide for the County Flag, court of arms and public seal; to prevent the improper use of the County Flag, court of arms and public seal for professional and commercial purposes; to prohibit the display of certain flags; and for matters incidental thereto.

ENACTED by the County Assembly of Tana River, as follows—

1. This Act may be cited as the Tana River County Flags and Emblems Act 2014; and shall commence on such date as the Governor may determine.

Short Title and
Commencement.

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

Interpretation.

“county symbols” means the County Flag, Court of Arms and Public Seal specified under the First, Second and Third Schedule respectively;

3. The flag, of which the design and description are set out in the First Schedule, is hereby declared to be the County Flag of Tana River (in this Act referred to as the County Flag).

County Flag.

4. The heraldic device of which the blazon and description are set out in the Second Schedule to this Act is hereby declared to be the Court of Arms of Tana River County (in this Act referred to as the Court of Arms).

County Court of
Arms.

5. The seal of which the design is set out in the Third Schedule to this Act is hereby declared to be the Public Seal of Tana River County.

Public Seal.

6. Any person who shows disrespect, in speech, manner or writing, to or with reference to the county symbols, or any representation thereof, shall be guilty of an offence and liable to a fine not exceeding KSh. 100,000 or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

Insulting County
Symbols etc.

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

Prohibition of the
improper use of

written permission of the Governor—

county symbols.

- (a) use any county symbol, or any colourable imitation thereof, in furtherance of, or display the same as an advertisement for, any trade, business, calling or profession; or
- (b) use any county symbol, 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 county symbol, or any article or goods on which any title, trade mark or design is used in contravention of paragraph (b) of this subsection.

(2) Any permission given under subsection (1) of this section may be given subject to such conditions as the Governor may deem fit.

(3) Any person who contravenes the provisions of this section shall be guilty of an offence and liable to a fine not exceeding KSh. 100,000 or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

8. Despite the generality of the foregoing section, the following personalities may fly the County Flag on any motor vehicle—

Use of the County Flag.

- (a) the Governor;
- (b) the Deputy Governor;
- (c) county executive committee members;
- (d) the Speaker; and
- (e) the Deputy Speaker.

9. 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 a patent, shall—

Prohibition of registration of certain companies, etc.

- (a) register a trade mark or design which bears any county symbol; or
- (b) grant a patent in respect of an invention which bears a title containing any emblem, if the use of

such emblem, would be in contravention of section 10 of this Act, and any purported registration or grant made contrary to this section shall be absolutely void and ineffective for all purposes.

10. (1) A person shall not display at any place or on any premises any flag or banner or permit any flag or banner to be so displayed, being in either case a flag or banner which is reputed to belong, or is held out by any authority as belonging, to the territory of Tana River county or of any particular part thereof.

Prohibition of display of certain flags.

(2) Any person who contravenes subsection (1) of this section shall be guilty of an offence and liable to a fine not exceeding KSh. 100,000 or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

(3) This section shall bind the county government.

11. No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction in writing of the County Attorney.

Sanction for Prosecution.

12. (1) If a police officer has reasonable cause to believe that some thing 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 without warrant enter the premises (using force if necessary) and search therein.

Power of seizure.

(2) If a police 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.

13. The county executive may, subject to consultations and by notice in the *Gazette*, amend the Schedules to this Act.

Power to amend the schedules.

The Minister may make regulations—

- (a) prescribing the occasions upon which, the persons by whom and the manner in which the County Flag or the Court of Arms may be flown or displayed, as the case may be;
- (b) prohibiting, controlling or restricting the use of any county symbol;
- (c) regulating the manner in which an application may be made to him for his permission under section 7 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) generally for carrying this Act into effect.

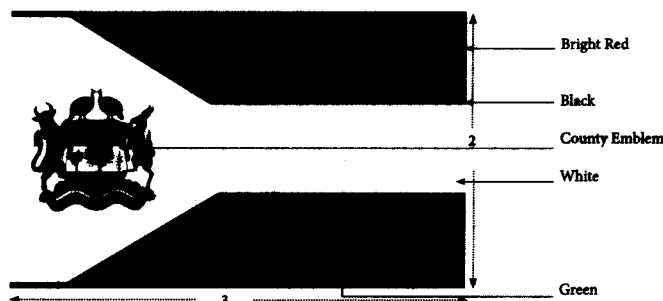


FIRST SCHEDULE

COUNTY FLAG

THE FLAG OF THE COUNTY GOVERNMENT OF TANA RIVER

THE COUNTY FLAG



Description

Kenya enacted a new constitution in 2010 creating 47 county administration units. Each county is distinct and self sustaining with its own standards and insignia as expressed in the constitution of the republic of Kenya. The Tana county flag is intended to symbolise the inclusion and hoped for unity of the people of different backgrounds who live in this county regardless of ethnic origin, religion or political conviction.

Guidelines for Production and use of the County Flag

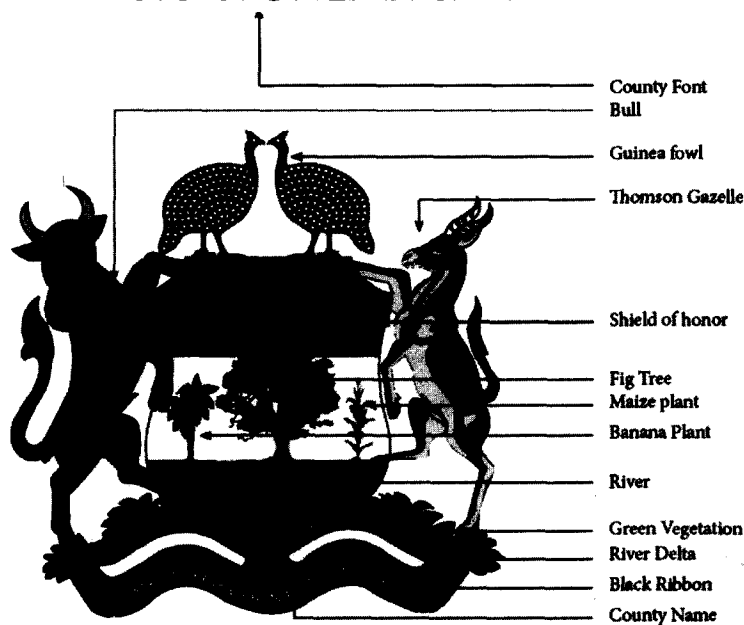
The County flag is rectangular in shape, the size being to the ration 3:2 the flag consists four (4) main colors this colors are indicated below with their value and color matching:-

1. **Red (C-0, M-98, Y-95, K-0)** The colour of loyalty energy and vitality.
2. **Green (C-80, M-0, Y-98, K-0)** Depicts the renewal and rebirth of hope in managing Tana River county affairs.
3. **White (C-0, M-0, Y-0, K-0)** for peace and harmorny and transparence in the management of the Tana County affairs.
4. **Black (C-0, M-0, Y-0, K-100)** Black implies self-control and discipline, independenc and a strong will, and giving an impression of authority and power.

Sycamore Tree	: A common Tree found in the county where communities seat under to settle disputes it represents piece.
Banana Plant	: Tana River is has fertile land for fertile for constant food production
Maize plant	: Tana river is gearing up to be the country's national bread granary
Green Vegetation	: Shows the fertile and productive land within the county
River & Delta	: This is where the county derives its name Tana River from
Black Ribbon	: Represents the Ability of Tana people to control their own destiny and self surficency
County Name	: This is the official county name

SECOND SCHEDULE

COURT OF ARMS

THE EMBLEM OF THE COUNTY
GOVERNMENT OF TANA RIVERTHE COUNTY EMBLEM
COUNTY GOVERNMENT OF TANA RIVER
COUNTY GOVERNMENT OF TANA RIVER**The County Emblem Description**

The county emblem is the official identity device of the county government of Tana River, the county emblem consists of the following components

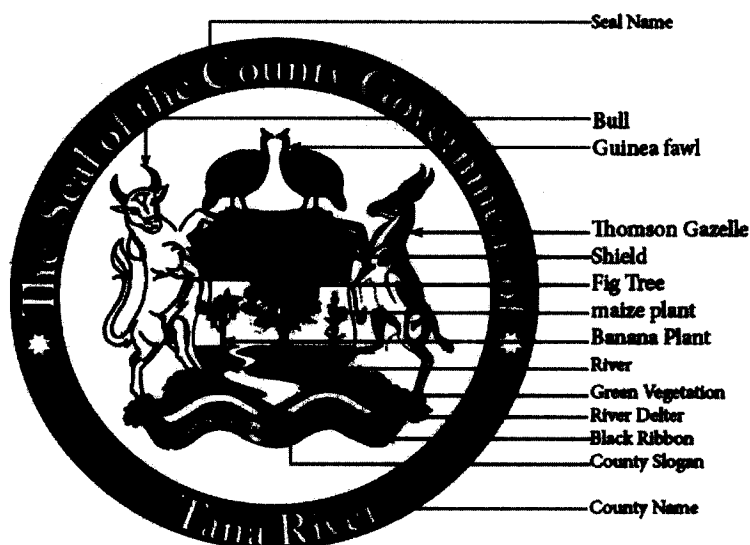
Guinea fowl	: Dominant bird species in Tana river
African Bull	: The Traditional way of life of Tana residents is livestock keeping and this is their major economic activity
Thomson Gazelle	: Representing touristic attractions in Tana River, tourism plays a vital role in the economy of the region.
Shield	: This is a shields of achievement developed in the national colours depicting the regions patriotism to the Republic of Kenya

THIRD SCHEDULE

COUNTY PUBLIC SEAL

THE SEAL OF THE COUNTY GOVERNMENT OF TANA RIVER

Dimensions 50 mmx 50 mm



Description

The seal of the county is a simplified outline version of the County Emblem with an additional outer ring, two stars and the wording: The seal of the county Government of Tana River. This Device is Designed to be embossed on official county documents by the county's authorised officials.

MEMORANDUM OF OBJECTS AND REASONS

The Bill seeks to give effect to section 4 of the County Governments Act 2012. It specifically provides for the Tana River County Symbols, namely:

1. The Tana River County Flag;
2. The Tana River County Court of Arms;
3. The Tana River County Public Seal.

It further prohibits the improper use of the Tana River County Symbols.

The Bill does not contravene any of the provisions of the Constitution; and is not *ultra vires* any of the provisions of any national laws relating to devolution. In case of any conflict between the Bill and any national laws, the provisions of Article 191 of the Constitution shall take effect.

Dated the 24th June, 2014.

MASHA D. BORU,
The Leader of Majority,
Tana River County Assembly.