

SPECIAL ISSUE

COUNTY ASSEMBLIES FORUM (CAF)
P. O. Box 73552 - 00200,
NAIROBI, KENYA

Turkana County Gazette Supplement No. 10 (Acts No. 2)



REPUBLIC OF KENYA

TURKANA COUNTY GAZETTE SUPPLEMENT

ACTS, 2013

NAIROBI, 24th January, 2014

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COUNTY ASSEMBLIES FORUM (CAF)
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TURKANA COUNTY FLAG, EMBLEMS AND NAMES ACT, 2013
ARRANGEMENT OF SECTIONS

COUNTY ASSEMBLIES FORUM (CAF)
P.O. Box 73552-00200,
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Schedules.

2013

Turkana County Flag, Emblems and Names

**TURKANA COUNTY FLAG, EMBLEMS AND
NAMES ACT, 2013**

No. 2 of 2013

Date of Assent: 13th January, 2014

Date of Commencement: 24th January, 2014

AN ACT of Turkana County Assembly to prevent the improper use of the County Flag and Of certain emblems, names, words and likenesses for professional and commercial purposes, and to prohibit the display of certain flags

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

2. In this Act unless the context otherwise requires—

“the **National Anthem**” means the national anthem of Kenya the words and music of which are set out in the Third Schedule to this Act;

“**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 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 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.

3. (a) (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 County Flag of Turkana (in this Act referred to as the Turkana 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 Armorial Ensigns of Turkana County (in this Act referred to as the Armorial Ensigns).

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

No. 2

Turkana County Flag, Emblems and Names

(4) The anthem of which the words and music are set out in the Third Schedule to this Act is hereby declared to be the National Anthem of Kenya as indicated in **CAP. 99 Laws of Kenya, National Flag, Emblems and Names.**

(b) Any person who shows disrespect, in speech, manner or writing, to or with reference to the National Anthem, or to any specified emblem, specified likeness or specified name, or any representation thereof, shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

4. (1) Notwithstanding anything contained in any law for the time being in force, no person shall, except with the written permission of the County Executive Committee Member for the time being in-charge of culture and social services—

- (a) use any specified emblem, specified name or specified likeness, 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 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 executive committee member 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 ten 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 a patent, shall—

(a) register any company, firm or other body of persons under any name;

(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 3 of this Act, and any purported registration or grant made contrary to this section shall be absolutely void and ineffective for all purposes.

6. (1) No person shall 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 (other than a specified emblem) which is reputed to belong, or is held out by any authority as belonging, to the territory of Turkana County or of any particular part thereof (other than the area of a sub-county administration).

(2) Any person who contravenes subsection (1) of this section shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings 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.

7. No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction in writing of the Attorney-General (or the legal advisor of the County).

8. (1) If a police 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 without warrant enter the premises and search therein.

(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.

Prohibition of display of certain flags, Sanction for prosecution Power of seizure,

9. The executive committee member may, by notice and in consultation with the assembly, suggest amendments in the First Schedule to this Act.

10. The county executive committee member may make regulations—

(a) prescribing the occasions upon which, the persons by whom and the manner in which the 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 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 as long as any amendment or such regulations are approved by the county assembly.

FIRST SCHEDULE**Part I—Emblems**

1. the County Flag, and the Armorial Ensigns of Turkana County.
2. The Public Seal of Turkana County.
3. Any Orders, Insignias, Medals, Badges and Decorations including those of the Republic of Kenya, United Nations, the Red Cross and the Red Crescent, instituted by Act of Turkana County Assembly or by Proclamation.

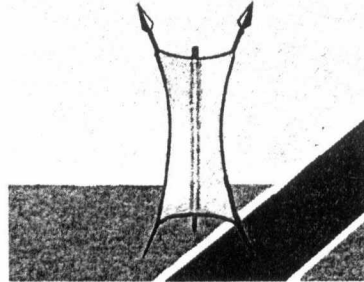
Part II—Names and Words

1. The name of the Governor.
2. The words “Harambee”, “Jamhuri”, “Madaraka” and “Nyayo”.

Part III - Offices and Dignities

1. The Governor.
2. Senator
3. Speaker of Turkana County Assembly

Part I

County Flag

Note.—All dimensions given do not necessarily represent any particular measurements and are merely proportional.

*British Standard Specification.

Description:

Three major strips of unequal width coloured from top to bottom

Sky blue, dark brown and diagonally on the right edge green, and separated by narrow white strips, with a symmetrical shield and black and white spears curving on both sides of the shield.

Part II

Armorial Ensigns

Blazon:

Arms.—a lady and a man holding the bottom of the tip/blade of the spears and standing on either side of the shield, pre-historic men in upper section of the shield, the sun in the middle section of the shield, a camel, goats in

the upper bottom of the shield, and fish, sorghum, maize and vegetation under the shield.

Supporters—On either side a lady and man or, grasping in the interior forepaw a spear of estate, the hafts of the spears curved on both sides of the **shield**.

The whole upon a compartment representing the lake, mountains and vegetation of Turkana county.

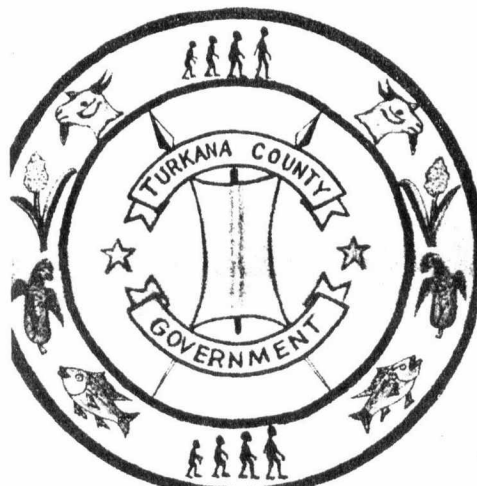
Motto—Pamoja Tujijenge

Description:

The shield contains the colours of the county Flag, a lady and a man holding the bottom of the tip/blade of the spears and standing on sides of the shield, pre-historic men in upper section of the shield, the sun in the middle section of the shield, a camel, goats in the upper bottom of the shield, and fish, sorghum, maize and vegetation under the shield the middle; **the supporters of the shield** are a turkana lady and a Turkana man resting on a background silhouette of the mountains, lake and vegetation of Turkana containing the foreground examples of turkana agricultural produce sorghum and maize, grass; **the scroll containing** the motto Pamoja Tujijenge-supports the coat of arms.

Part III

Public Seal



The National Anthem

1

Ee Mungu nguvu yetu
 Ilete baraka kwetu.
 Haki iwe ngao na mlinzi
 Natukae na udugu
 Amani na uhuru
 Raha tupate na ustawi.

2

Amkeni ndugu zetu
 Tufanye sote bidii
 Nasi tujitoe kwa nguvu
 Nchi yetu ya Kenya,
 Tunayoipenda
 Tuwe tayari kuilinda.

3

Natujenge taifa letu
 Ee, ndio wajibu wetu
 Kenya istahili heshima
 Tuungane mikono
 Pamoja kazini
 Kila siku tuwe na shukrani.

1

O God of all creation
 Bless this our land and nation.
 Justice be our shield and defender
 May we dwell in unity
 Peace and liberty
 Plenty be found within our borders.

2

Let one and all arise
 With hearts both strong and true.
 Service be our earnest endeavour,
 And our Homeland of Kenya,
 Heritage of splendour,
 Firm may we stand to defend.

3

Let all with one accord
 In common bond united,
 Build this our nation together
 And the glory of Kenya
 The fruit of our labour
 Fill every heart with thanksgiving.

Note.—The time values of some notes in each verse must be altered to fit the words.

SUBSIDIARY LEGISLATION**Regulations under section 9****THE TURKANA COUNTY FLAG, EMBLEMS AND NAMES
(FLYING OF THE COUNTY FLAG AND DISPLAYING OF
ARMORIAL ENSIGNS) REGULATIONS**

1. These Regulations may be cited as the Turkana County Flag, Emblems and Names (Flying of the County Flag and Displaying of Armorial Ensigns) Regulations.

2. (1) Any person who flies or displays the County Flag on any premises, not being Government premises, on any occasion other than a public holiday or such other occasion as may be notified by the Governor shall be guilty of an offence.

(2) In this regulation, "Government premises" means any premises used wholly or partly for County Government purposes but does not include any building used primarily for residential purposes.

3. (1) Subject to paragraph (3) of this regulation, any person who flies the County Flag on any motor vehicle shall be guilty of an offence.

(2) In this regulation, "motor vehicle" has the same meaning as in the Traffic Act (Cap. 403) laws of Kenya.

(3) This regulation shall not apply to the Governor, the Deputy Governor, the Senator the Speaker of the County Assembly, the Executive Committee Member or the Legal Advisor to the county government.

4. (1) Any person, not being a member of the County Assembly, who wears on his person a County Assembly badge, or any imitation or likeness thereof, shall be guilty of an offence.

(2) In this regulation, "County Assembly badge" means a badge representing the Armorial Ensigns of Turkana County issued by or under the authority of the Speaker of Turkana County Assembly.

5. Any person who is guilty of an offence under these Regulations shall be liable to a fine not exceeding ten thousand shillings or to imprisonment of a term not exceeding six months, or both such fine and imprisonment.

No. 2

Turkana County Flag, Emblems and Names

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GRANT OF PERMISSION

IN EXERCISE of the powers conferred by section 3 (1) of the County Flag, Emblems and Names Act, the executive committee member of the County for Culture and Social Services grants permission to the Postal Corporation of Kenya to use specified emblem, the specified likeness and adaptations of the County Flag of Turkana in the ceremonial stamp and to register the copyright over that stamp in accordance with section 22 of the Copyright Act, 2001 laws of Kenya.

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