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COUNTY ASSEMBLIES FORUM (CAF)
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NAIROBI, KENYA

SPECIAL ISSUE

West Pokot County Gazette Supplement No. 12 (Act No. 4)

REPUBLIC OF KENYA

WEST POKOT COUNTY GAZETTE SUPPLEMENT

ACTS, 2014

NAIROBI, 28th August 2014

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THE WEST POKOT COUNTY FLAG AND OTHER SYMBOLS ACT, 2014

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THE WEST POKOT COUNTY FLAG AND OTHER SYMBOLS ACT, 2014

Act No. 4 of 2014

AN ACT of the County Assembly to provide for the county flag and other symbols and to prevent improper use of the county flag, symbols, names, words and likeness for professional or commercial purposes and for matters incidental thereto.

ENACTED by the County Assembly of West Pokot, as follows—

PART I—PRELIMINARY

Short title and commencement.

1. This Act may be cited as West Pokot County Flag and Other Symbols Act, 2014 and shall come into operation upon assent.

Interpretation.

2. In this Act unless the context otherwise requires—

"coat of arms" means the West Pokot County Coat of Arms declared under section 3;

"county flag" means the West Pokot County Flag declared under section 3;

"symbol" means any county symbol, seal, flag, insignia, ensign or coat-of-arms of a kind specified in the First Schedule to this Act;

"executive committee member" means the Executive Committee member for the time being responsible for matters related to culture.

PART II—GENERAL PROVISIONS

County flag, and other symbols, declared.

3. (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 West Pokot County Flag (In this Act referred to as the County Flag).

(2) The coat of arms device of which the blazon and description are set out in Part II of the First Schedule is hereby declared to be the Coat of Arms of the West Pokot 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 is hereby declared to be the Public Seal of the County Government of West Pokot.

(4) The West Pokot County Logo the description of which is set out in Part II of the Schedule shall be the element of the County's identity.

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Restrictions on flying of the County Flag.

4. The flying of the County Flag is hereby reserved for use by the Governor, the Deputy Governor and the Speaker of the County Assembly.

Insulting of county flag, symbols, an offence.

5. A person who shows disrespect in speech, writing or in any other manner or in reference to the County Flag, or to any symbol or any representation of the County 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 or sentence.

Prohibition of improper use of symbols, names and likenesses.

6. (1) Notwithstanding anything contained in any law for the time being in force, no person shall, except with the written permission of the Executive Committee Member —

(a) use the County Flag, any specified emblem or any colourable imitation, in furtherance of, or to display the same as an advertisement for any private trade, business, calling or profession; or

(b) use any County Symbol, specified name or specified likeness, or any colourable imitation in the title of any private patent, trade mark or design; or

(c) manufacture or import any article or goods bearing the County Flag, any specified emblem or any title, trade mark or design used in contravention of paragraph (b) of this sub subsection.

(2) The provisions of subsection (1) (a) relating to the use of a specified likeness shall not apply to the publication of a *bona fide* news item including a newspaper, website or any other media publication connected with any *bona fide* news item other than in the furtherance of, or as an advertisement for any trade, business, calling or profession.

(3) Permission for use referred to under subsection (2) may be given subject to such conditions as the Executive Committee Member may deem fit.

(4) A person who contravenes the provisions of this section commits an offence and shall on conviction, be liable to a fine not exceeding five thousand shillings, or to imprisonment for a term not exceeding six months, or to both.

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Prohibition of registration of certain companies, etc.

7. Notwithstanding anything contained in any law for the time being in force, any 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 not —

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

(b) register a trade mark or design which bears the County emblem or the name or word designed in a similar manner as a name or word declared under this Act;

(c) grant a patent in respect of an invention which bears a title containing the County emblem, the name or word designed in a similar manner as a name or word declared under this Act or word, and any registration contrary to this section shall be null and void.

Sanction for prosecution and power of seizure.

8. (1) Prosecution of an offence committed under this Act shall not be instituted except with the sanction of the Director of Public Prosecutions in writing.

(2) If a police officer has reasonable cause to believe that any article, goods or other property which is used, displayed, manufactured or imported contrary to this Act exists in any premises, the police officer may require the person in charge or appearing to be in charge of the premises to allow him or her to enter and search the premises and if entry cannot be obtained by the officer within a reasonable period he or she may without warrant enter and search the premises without the permission of the person in charge of the premises.

(3) If a police officer finds on any premises articles, goods or other property which he or she has reasonable cause to believe that it is in contravention of this Act, he or she may seize the property and bring it before a magistrate, who shall order its forfeiture upon being satisfied that it has been used, displayed, manufactured or imported contrary to this Act and if not satisfied, shall order its restoration to the person from whom it was seized.

PART III — MISCELLANEOUS PROVISIONS

Power to amend the First Schedule.

9. The Executive Committee Member may, by order published in the Gazette, amend the First Schedule and declare any symbol or name as a County symbol under this Act.

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Regulations.

10. The Executive Committee member may make 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;

(c) regulating the manner in which applications may be made to him or her for permission under Section 6, prescribing the form of any license by which permission may be given and fixing any fee for such application and the licence;

(d) generally for carrying into effect the provisions of this Act.

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FIRST SCHEDULE (s. 3)

West Pokot County Emblems contains names and descriptive words

1. The Flag – Part I
2. Coat of Arms – Part II
3. The Public Seal of West Pokot County – Part III
4. The Logo – Part IV

Part I

THE COUNTY FLAG OF THE WEST POKOT COUNTY

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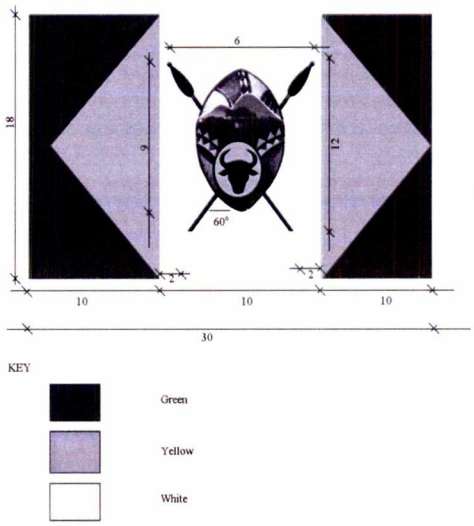
Note —All dimensions given do not necessarily represent any particular measurements and are merely proportional.

*British Standard Specifications

WEST POKOT COUNTY FLAG SIZE



DESCRIPTION OF THE COUNTY FLAG

The flag is rectangular in shape, consisting of Four Elements:

1. The Shield, as contained in the Coat of Arms, is a symbol of prosperity, opportunities, Justice and abundance – the good quality of life West Pokot has to offer.
2. The "Yellow path" represents the achievements and success in the County, within the region and the African continent.
3. The "Green colour" symbolizes the vegetation and green pasture in the County.
4. The "White colour" represents peace in the County.
5. The "Potrait" of a cow's head and a bee hive represent the livelihoods of the People in the County.
6. The "Blue" colour represents the County Atmosphere and its Water.
7. "Spear" symbolises protection for its people.

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Part II

THE COAT OF ARMS OF THE WEST POKOT COUNTY

DESCRIPTION OF THE COUNTY COAT OF ARMS

The Coat of Arms is the official insignia of West Pokot County and is made up of the Font, Rings, the Cow, the Shield, the Ground and grass, the hills, water and honey and county motto. These elements come together to create a symbol of oneness, leadership, courage, prosperity, abundance, justice and dignity, opportunity for citizens, residents and visitors of the County.

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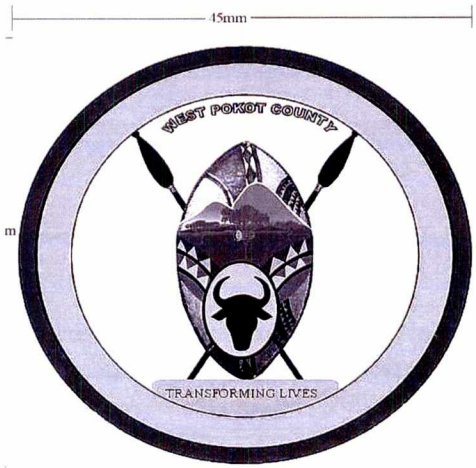
Part III

THE PUBLIC SEAL OF THE WEST POKOT COUNTY

PUBLIC SEAL OF WEST POKOT COUNTY



ACTUAL SIZE

DESCRIPTION OF THE COUNTY PUBLIC SEAL

The West Pokot County Seal is a simplified line art representation of the Coat of Arms to be applied as an embossing on official county documents.

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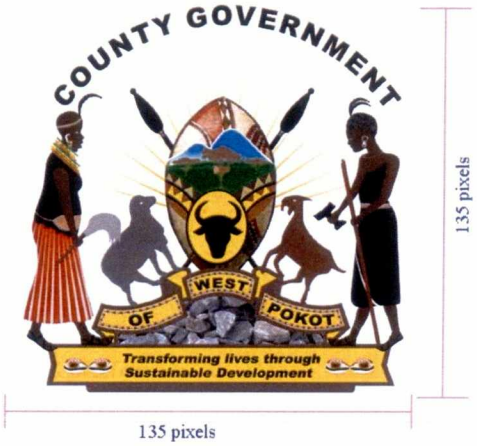
Part IV

WEST POKOT COUNTY LOGO



DESCRIPTION OF THE COUNTY LOGO

The County logo includes a woman and a man who represent humanity in our County; the sheep and the goat represent the small stock found in our county and cow, which is our economic main stay, represents our wealth. The stool held by a man and the fly-whisk held by a woman represents power. The woman's head gear shows victory while the woman's belly belt shows protection. The cowrie shells stand for the fertile bio-diversity in our County. The blue colour represents Mt. Mtelo and our water. The stone represents the various types of minerals found in the County. The beads represent our decor. The stick represents our strength. The bee hive symbolises plentious pure honey in the county. The ribbon symbolises our Unity. The West Pokot County LOGO is a registered trademark.

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SECOND SCHEDULE (s. 4)

COUNTY OFFICERS WHO MAY USE THE FLAG ON VEHICLES

1. The Governor.
2. The Deputy Governor.
3. The Speaker of the County Assembly.