

ELGEYO/MARAKWET COUNTY FLAG, EMBLEMS, NAMES
AND TITLES BILL, 2014

SPECIAL ISSUE

Elgeyo/Marakwet County Gazette Supplement No. 5 (Bill No. 5)



REPUBLIC OF KENYA

ELGEYO/MARAKWET COUNTY GAZETTE
SUPPLEMENT

BILLS, 2014

NAIROBI, 3rd March, 2014

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ELGEYO/MARAKWET COUNTY GAZETTE SUPPLEMENT
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ELGEYO/MARAKWET COUNTY FLAG, EMBLEMS AND NAMES BILL, 2014

A Bill for

AN ACT of the County Assembly of Elgeyo/Marakwet to declare the County Flag, emblems, names, words, likenesses and to prevent improper use of the same for professional and commercial purposes, and to prohibit the display or use of flags, and for connected purposes.

ENACTED by the County Assembly of Elgeyo/Marakwet as follows-

PART I - PRELIMINARY

Short Title and Commencement

1. This Act may be cited as the Elgeyo/Marakwet County Flag, Emblems and Names Act, 2014 and shall come into operation on such date as the Member of the Executive Committee, responsible for matters related to public service and administration with the concurrence of the Governor, may appoint.

Interpretation

2. In this Act, unless the context otherwise requires:-
 - “**County Governor**” means the Governor of The County government of Elgeyo/Marakwet elected in accordance with Article 180 of the constitution;
 - “**Deputy Governor**” means a person nominated by the governor in accordance with Article 180 of the constitution;
 - “**Speaker**” means the speaker of a County Assembly elected by the Members of County Assembly;
 - “**Member of County Assembly**” means a Member elected or nominated in accordance with Article 177 (1) of the constitution.
 - “**County Secretary**” means a person responsible for matters relating to intergovernmental relations
 - “**Member of the Executive Committee**” means the Member of the Executive Committee responsible for matters related to public service and administration;

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“**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.

“**County Assembly**” means the County Assembly of Elgeyo/Marakwet

*State Officers
entitled to fly the
County flag*

3. The Following state officers shall be entitled to fly the County flag on their official motor vehicles;
- i. His Excellency the County Governor.
 - ii. His Excellency The Deputy County Governor
 - iii. The Speaker of the County Assembly.

*Use of official
Titles*

4. (i) The Persons specified in the first column of the third schedule shall use the official titles specified in the Second column of that schedule
- (ii) A person who unlawfully uses title provided for under the Third Schedule commits an offence and is liable on conviction to a fine not exceeding 100,000 (One Hundred Thousand Shillings) or to imprisonment for a term not exceeding one (1) year or both.

*Order of
Precedence*

5. The order of precedence of state officers to be observed for all official functions shall be as follows;
- (i) His Excellency The Governor.
 - (ii) His Excellency The Deputy Governor.
 - (iii) The Honorable Speaker of County Assembly.
 - (iv) The Honorable Members of County Assembly
 - (v) The County Executive Member.

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PART II - DECLARATIONS AND PROHIBITIONS

*County Flag,
County Public Seal,
County Coat of
Arms Declared*

- 6.** (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 County Government of Elgeyo/Marakwet(in this Act referred to as the County Flag).
- (2) The seal of which the design is set out in Part II of the Second Schedule to this Act is hereby declared to be the Public Seal of the County Government of Elgeyo/Marakwet.
- (3) The Coat of Arms of which the design is set out in Part III of the Second Schedule to this Act is hereby declared to be the Coat of Arms of the County Government of Elgeyo/Marakwet

*Fine for Insulting
the County Emblem*

- 7.** Any person who shows disrespect, in speech, manner or writing, to a County Government emblem, specified likeness or specified name, or any representation thereof, shall be guilty of an offence and liable to a fine not exceeding thirty thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

*Prohibition of
Improper Use of
Emblems, Names
and Likenesses*

- 8.** (1) Notwithstanding anything contained in any law for the time being in force, no person shall, except with the written permission of the Member of the Executive Committee and with the approval of the County Assembly—
- (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

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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 Member of the Executive Committee may deem fit and approved by the County Assembly.
- (4) Any person who contravenes the provisions of this section shall be guilty of an offence and liable to a fine not exceeding thirty thousand shillings, or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

*Prohibition of
Display of Certain
Flags*

- 9.** (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 (other than a specified emblem) which is reputed to belong, or is held out by any authority as belonging, to the territory of the County Government of Elgeyo/Marakwet or of any particular part thereof (other than the ward).
- (2) Any person who contravenes subsection (1) of this section shall be guilty of an offence and liable to a fine not exceeding thirty 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 of Elgeyo/Marakwet

*Power to Amend
First Schedule*

- 10.** The Member of the Executive Committee may, by notice in Kenya and County Gazette, amend the First Schedule to this Act with the approval of the County Assembly.

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PART III - MISCELLANEOUS

Regulations

- 11.** The Member of the Executive Committee may with the approval of the County Assembly 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 emblem, specified likeness or specified name;
 - (c) regulating the manner in which application may be made to him for his permission under section 5 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

Part I—Emblems

- 1 - The County Flag,
- 2 - The Public Seal of County Government of Elgeyo/Marakwet;
- 3 - The Coat of Arms of the County Government of Elgeyo/Marakwet

Part II—Names and Words

- 1-The County Public Seal
- 2-The County of champions
- 3-County Government of Elgeyo/Marakwet

SECOND SCHEDULE

Part I

1-The County Flag



Part II

The County Public Seal



Part III

The County Coat of Arms



MEMORANDUM OF REASONS & OBJECTS

The Bill has been submitted by the Member of the County Executive Committee responsible for matters related to public service and administration. The bill prevents the improper use of the County Flag and of certain emblems, names, words and likenesses for professional and commercial purposes, and prohibits the display of certain flags.

PART I deals with preliminaries which include interpretation of terms as well as objects and purpose of the Bill.

PART II deals with declarations of the County flag, County Public Seal and County Coat of Arms.

PART III deals with the powers to amend the first schedule and regulations.

The enactment of the Bill shall not occasion additional expenditure of public funds.

The Bill has been submitted by the Member of County Executive committee of sports, youth, women, culture and social services and not public service and administration.

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HON. TECLA KIBET JEROTICH

CHAIPERSON- chairperson 'sports, youth, women, culture and social services.