**SPECIAL ISSUE**

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REPUBLIC OF KENYA

# *KENYA GAZETTE SUPPLEMENT*

## KAKAMEGA COUNTY ACTS, 2017

**NAIROBI, 10th September, 2015**

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# THE KAKAMEGA COUNTY FLAG, EMBLEMS AND NAMES ACT, 2015

## No. 6 of 2015

*Date of Assent: 10th August, 2015*

*Date of Commencement: 25th September, 2015*

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# THE KAKAMEGA COUNTY FLAG, EMBLEMS AND NAMES ACT, 2015

**AN ACT of the County Assembly of Kakamega to provide for the County Flag, Emblem and Names and to prohibit the improper use of County Flag, Emblems, certain Symbols, Names, Words and likeness for professional or commercial purposes and for connected purposes**

**ENACTED** by the County Assembly of Kakamega, as follows—

## Short title and commencement

**1.** This Act may be cited as the Kakamega County Flag, Emblems and Names Act, 2015 and shall come into operation on the fourteenth day after its publication in the County Gazette and the Kenya Gazette whichever comes earlier.

## Interpretation

**2.** In this Act, Unless the context otherwise requires—

"County" means the County Government of Kakamega;

"County Assembly Badge" means a badge representing the Armorial Ensigns issued by or under the authority of the Speaker of the County Assembly;

"County Premises" means any premises used wholly or partly for County Government of Kakamega purposes but do not include any premises/building used primarily for residential purposes.

"Flying a flag" with reference to a motor vehicle means positioning the flag at the right hand side on the bonnet of the motor vehicle only by specified persons as per section 8 (2) of this Act.

"Governor" means Governor for the time being of Kakamega County Government.

"Member of the Executive Committee" means the Member of the Executive Committee responsible for matters related to Public Service and Administration;

"National Flag" mean the flag which design and description are set out in part one of the second schedule chapter 99 the Laws of Kenya;

"specified emblem" means any Emblem, Seal, Flag, Pennant, Insignia, Ensign or Coat of Arms of a kind specified in Part 1 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 2 of the first schedule to this act, and it includes any abbreviation of such name.

**Object and purpose**

**3.** The object and purpose of this Act is to—

(a) provide for the establishment and regulation of the use of the County Flag, Emblems, Names Words and likeness and other County symbols.

(b) to give effect to section 4 (1) of the County Governments Act, 2012.

**Declaration of flag**

**4.** (1) the flag of which the design and description are set out in part one of the second schedule to this act is hereby declared to be the County Flag of the County Government of Kakamega.

**Declaration of Seal**

(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 Kakamega.

**Declaration of Coat of Arms**

(3) The Coat of Arms of which the design is set out in part 3 of the second schedule to this act is hereby declared to be the Coat of Arms of the County Government of Kakamega.

**County Badge/Insignia**

(4) The heraldic device which the blazon and description are set out in part 4 of the second schedule to this Act is hereby declared the Armorial Ensigns of the County Assembly of the County Government of Kakamega County.

**Insulting County flag, Emblem an offence**

**5.** 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 (KSh. 30,000) 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 likeness**

**6.** (1) Not withstanding 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—

(a) use any specified emblem, specified name or 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, name or specified likeness, or any colourable imitation thereof, in the title of any patent, or in any trademark design; or

(c) manufacture or import any article or goods bearing any specific emblem, specified name or specified likeness, or any article or goods on which any title, trademark or design is used in contravention of subsection (1) *(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 of a newspaper of any article connected with any *bona fide* news item other than 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.

(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**

**7.** (1) A person shall not display at any place or on premises any flag or permit any flag to be so displayed, being in either case a flag (other than a specific emblem) which is reputed to belong, or is held out by any authority as belonging, to the territory of the Kakamega County or of any particular part thereof.

(2) Any person who contravenes subsection (1) of this section shall be guilty of an offence and liable to an offence not exceeding thirty thousand Shillings (KSh. 30,000) or to imprisonment for a term of not less than six (6) months or to both such a fine and imprisonment.

(3) This section shall bind the County Government of Kakamega.

**Flying of County and National flag on a motor vehicle**

**8.** (1) A person shall not fly the County and National flag on any motor vehicle except as provided for under this Act.

(2) Notwithstanding subsection (1), the Governor may fly the County and National flag while the Deputy Governor, Members of Executive Committee and Speaker of the County Assembly may fly the County Flag on a motor vehicle.

(3) A person who contravenes sub-section (1) commits an offence and shall be liable on conviction, to a fine not exceeding Kenya shillings thirty thousand (KSh. 30,000) or to imprisonment to a term not exceeding six (6) months or both.

**Hoisting of County Flag**

**9.** (1) Subject to this Act, the County flag shall be hoisted on the following occasions and places, at—

(a) all official functions that are attended by the Governor, the Deputy Governor or member of the Executive Committee;

(b) the headquarter of the County Government;

(c) the head offices of Sub-Counties, Ward and Villages;

(d) the County Assembly;

(e) the Official Residence of the Governor; and

(f) all public facilities;

(g) the Ward offices of the members of the County Assembly.

(2) The County Flag may be hoisted at the Official Residence of the Deputy Governor.

(3) The member of the Executive Committee may prescribe such other places where the County flag shall be hoisted or displayed.

**Regulations**

**10.** The Member of the Executive Committee may make regulations with the approval of the County Assembly—

(a) prescribing the occasions upon which, the persons by whom and the manner in which the National Flag and County Flag may be flown or displayed , as the case may be;

(b) regulating the manner in which application may be made to him or her for permission under section 6(1) of the Act, prescribe the form of any license by which such permission may be given and fixing any fee for such application and license;

(c) generally for carrying this Act into effect.

**Power to amend**

**11.** The Member of the Executive Committee may, by notice in the *Kenya Gazette* and *County Gazette* whichever comes earlier amend the First Schedule to this Act.

**Custodian of the County Flag etc.**

**12.** The County Secretary shall be the custodian of the County Flag, Coat of Arms and the public seal under this Act.

**Display of Governor's portrait**

**13.** Business persons operating within the County may display the portrait of the Governor in their business premises.

## FIRST SCHEDULE

### PART I—EMBLEMS

1. The Kakamega County Government flag for Kakamega County;
2. The Public Seal of County Government of Kakamega; and
3. The Coat of Arms of the County Government of Kakamega

### PART II—NAMES AND WORDS

1. The name of the Governor.
2. His Excellency.
3. Honorable.
4. The Name of the Speaker.

### PART III—OFFICES AND DIGNITIES

**1.** (a) His Excellency the Governor.

(b) His Excellency the Deputy Governor.

(c) The Honorable Speaker of the County Assembly.

(d) The Honorable Executive Committee Members.

(e) The Honorable Members of the County Assembly.

**2.** Similar officers as those in 1 above visiting County shall be referred to by such titles.

## PART II — COUNTY PUBLIC SEAL

**The County Public Seal description:-**

It is derived from County Coat of Arms with landmarks, artifacts and thematic representation of 12 sub Counties and 60 Wards.

## PART III — COAT OF ARMS

**County Coat of Arms description**

**Shield:-** The shield concept is a traditional Luyha Shield, elongated with its functional importance of protecting the whole body of the user the elements of accommodation are arranged horizontally on two fields distinguished with its field background color and the elements are real life in encounter in the County.

**Top field:-** the green background depicts abundance, hope, and joy. It accommodates the crying stone of Ilesi a landmark feature identifying the County with Kakamega forest, the golden watch band at the middle is an organizing element, champion of the spirit of precise and represents the thematic tally of 12 sub Counties and the 60 Wards of the County.

**Lower field:-** the white background depicts peace, purity and truth, it accommodates maize, sugarcane stalk, luyha traditional pot and isukuti artifacts.

**Supports:-** the Shield is supported by a bold male African man dressed on folded sleeves shirt holding on to the luyha Spear crossing behind and seedling, at the left side is a beautiful female African dressed on golden bracelets at her wrist holding on to the Shield and agricultural wares on a luyha traditional reed basket.

**Compartment:-** the base is a circular green lawn and a circular golden band inscribed the motto **THE GREEN JEWEL**

## PART IV — THE COUNTY ASSEMBLY BADGE

## SUBSIDIARY LEGISLATION

**Regulations Under Section 10**

These regulations may be cited as the county flag, emblems and names (flying of the national flag, county flag and displaying armonial ensigns)

**Regulations**

**1.** These regulations may be cited as the County flag, Emblems and names (Flying of the national flag, county flag and displaying 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 government purposes but does not include any building used primarily for residential purposes.

**3.** (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 the "County Assembly badge" means a badge representing the armorial ensigns of the county issued by or under the authority of the Speaker of the County Assembly.

**4.** Any person who is guilty of an offence under these regulations shall be liable to a fine not exceeding thirty thousand shillings or to imprisonment for a term not exceeding three (3) months or to both such fine and such imprisonment.