

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 7 (Nyamira County Acts No. 3)*



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***KENYA GAZETTE SUPPLEMENT***

**NYAMIRA COUNTY ACTS, 2017**

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**NAIROBI, 30th June, 2017**

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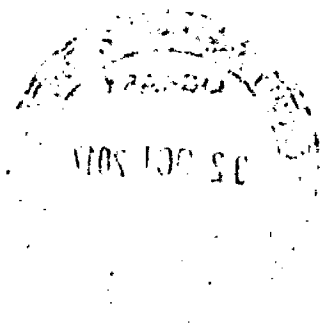
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**THE NYAMIRA COUNTY FLAG, EMBLEMS AND ORDER OF  
PROTOCOL ACT, 2017**

**No. 3 of 2017**

*Date of Assent: 29th June, 2017*

*Date of Commencement: See Section 1*

**ARRANGEMENTS OF SECTIONS**

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**THE NYAMIRA COUNTY FLAG, EMBLEMS AND ORDER OF  
PROTOCOL ACT, 2017**

**AN ACT of the County Assembly of Nyamira 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, for connected purposes**

**ENACTED** by the County Assembly of Nyamira as follows—

**PART I — PRELIMINARY**

**Short Title and Commencement**

1. This Act may be cited as the Nyamira County Flag, Emblems and Order of Protocol Act, 2017 and shall come into operation upon Publication in the Kenya Gazette.

***Application***

2. This Act shall apply to Nyamira County as provided in Article 6 (1) of the Constitution, and the First Schedule of the Constitution.

***Interpretation***

3. In this Act, unless the context otherwise requires:-

“County Assembly” means the County Assembly of Nyamira

“County Governor” means the Governor of the County government of Nyamira elected in accordance with Article 180 of the constitution;

“County Secretary” means a person responsible for matters relating to intergovernmental relations

“Deputy Governor” means a person elected by the governor in accordance with Article 180 of the constitution;

“Member of County Assembly” means a Member elected or nominated in accordance with Article 177 (1) of the constitution.

“Member of the Executive Committee” means the Member of the Executive Committee responsible for matters related to public service and administration;

“Motor vehicle” has the same meaning as in the Traffic Act.

“Speaker” means the speaker of a County Assembly elected by the Members of County Assembly;

“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 include any abbreviation of any such name.

“Standard” means the personal flag of the Governor.

### **Object and Purpose of the Act**

4. The object and purpose of this Act is to provide for the establishment and regulate use of the County flag, the emblems and title of Governor.

### **State Officers entitled to fly the County flag**

5. The following state officers shall be entitled to fly the County flag on their official motor vehicles;

- (a) His Excellency the County Governor.
- (b) His Excellency The Deputy County Governor
- (c) The Speaker of the County Assembly.
- (d) County Executive Committee Member

### **Use of official Titles**

6. (1) The Persons specified in the first column of the third schedule shall use the official titles specified in the Second column of that schedule

(2) 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 Protocol**

7. The order of protocol within the county shall be as provided for undue the Third Schedule;

## **PART II — DECLARATIONS AND PROHIBITIONS**

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

8. (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 Nyamira (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 Nyamira.

(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 Nyamira.

(4) The standard is hereby declared to be a County symbol, and shall be accorded the same status and protection as other County Symbols declared in this Act.

### **Fine for Insulting the County Emblem**

9. 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**

10. (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 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**

11. (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 Nyamira 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 Nyamira.

### **Flying of County flag on motor vehicle**

12. (1) A person shall not fly the County flag on any motor vehicle.

(2) Notwithstanding subsection (1) the official set out in part I Section 5 of this Act may hoist the County flag on their motor vehicle.

(3) A person who contravenes subsection (1) commits an offence and shall be liable, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding five years, or both.

### **Prohibition of registration of certain companies**

13. The prohibition contained in the National Flag, Emblems and Names Act regarding the prohibition of registration of any company, firm or other body of persons, or any trade mark or design, or to grant a patent, if the use of such name, emblem, word or likeness would be in contravention of section 3 of that Act, and any purported registration or grant made contrary to this section shall be absolutely void and ineffective for all purposes, shall apply as if such prohibition were set out in this Act.

### **Hoisting of the County flag**

14. (1) Subject to this Act, the county flag shall be hoisted on the following occasions—

- (a) At all official functions that is attended by the Governor, the Deputy Governor and the Member of the executive committee;
- (b) At the headquarters of the County Government;



- (c) At the head offices of the Sub-counties, wards and villages; and
- (d) At the County Assembly.

**Custodian of the County flag, County Coat of Arms, County Public Seal and Other County Symbols**

15. The County Secretary shall be the custodian of the County flag, County coat of arms, County Public Seal and other county symbols protected by this Act.

**Application of National Flag, Emblems and Names Act, CAP 99**

16. Sections 6 and 7 of the National flag, Emblems and Names Act shall apply with respect to the protection of the County flag and other Symbols under this Act.

**The Standard and use of other symbols by the Governor**

17. (1) The Governor's Standard shall be hoisted at the official residence and office of the Governor.

(2) At all times, and in addition to the County flag, the Governor shall be entitled to hoist the Standard in vehicle or aircraft that is carrying him within the County.

(3) No other person shall be entitled to fly the Standard.

(4) During National Public holidays and when the Governor is attending the County Assembly, the County coat-of-arms shall be affixed on the motor vehicle carrying the Governor, at the space ordinarily reserved for the licenced registration number plate of the motor vehicle.

**Sanction for prosecution and power of seizure**

18. Sections 6 and 7 of the National Flag, Emblems and Names Act shall apply with respect to the protection of the County flag and other symbols under this Act.

**Salutations**

19. The salutations within the County are as follows-

- (a) The Governor and any visiting Governor shall be referred to as His Excellency the Governor;
- (b) The Deputy Governor and any visiting Deputy Governor shall be referred to as His Excellency the Deputy Governor;
- (c) The Speaker of the Assembly and a visiting Speaker of another County shall be referred to as Honorable Speaker;
- (d) The Member of the County Assembly and a visiting Member of another County Assembly shall be referred to as Honorable

Member of the County Assembly; and

- (e) The Member of the County Executive Committee and any visiting County Executive Member of another County shall be referred to as Honorable Member of the Executive.

### **PART III — MISCELLANEOUS**

#### **Power to Amend First Schedule**

20. 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.

#### **Regulations**

21. 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) the days and times during which the County flag shall be flown;
- (e) without detracting from the general design depicted in the Second Schedule, the standard sizes, dimensions, proportions, and colors of the County flag for all or any purpose or in all or any circumstances;
- (f) prohibiting, controlling, or restricting the use of any specified emblem, specified likeness or specified name or title;
- (g) the reproduction and production of documents requiring the official use of the protected symbols;
- (h) Providing for the revision of the Standard as provided for under the Second Schedule.
- (i) Make amendments to the Order of Protocol; and
- (j) Generally for carrying this Act into effect.

**FIRST SCHEDULE****Emblems**

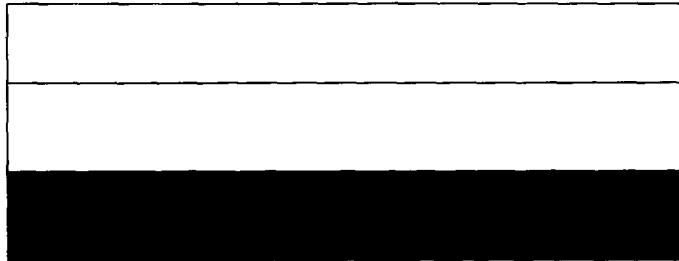
1. The Nyamira County Flag,
2. The Public Seal of County Government of Nyamira;
3. The Coat of Arms of the County Government of Nyamira
4. The Governor's Standard

**SECOND SCHEDULE****(I)The Nyamira County Flag**

Inclusion in the Flag ( design to be changed to accommodate the following changes)

Bunch of bananas or stock ( egesabo)

Tea leaves and a bunch of coffee.

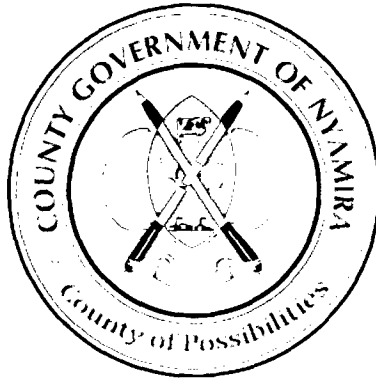


Colors adopted for the flag are:

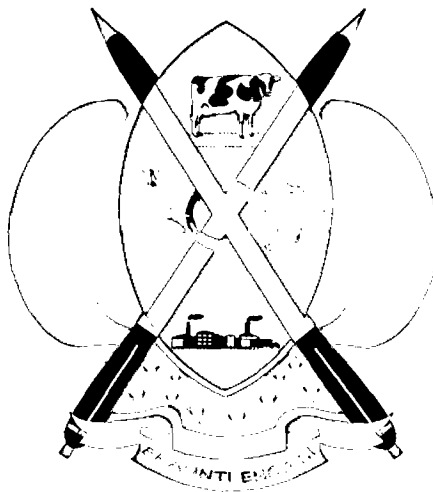
- 1) **Yellow at the top:** representing joy, happiness, sunshine, intellect, wealth and friendship. It also represents ripe and preparation for industrial takes off. It symbolizes cheerfulness and illumination.
- 2) **White in the middle:** meaning peace, purity and unity.
- 3) **Green at the bottom:** representing life, fertility of the land that is rich in agricultural potential.

**(II) The County Public Seal**

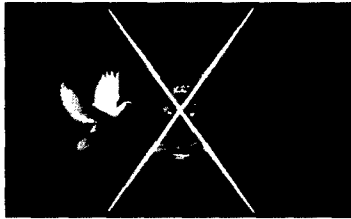
The seal to remain with its shape but the colours to reflect the County Flag

**(III) ARMORIAL ENSIGNS****(Coat of Arms)**

The shape was retained only the colours of the County to be used for prosperity.

**Narration:**

**Slogan:** “*Ekaunti eng’aini*” - celebrating innovations and excellence of the people in education, sports and profession.

**(iv) The Standard**

The Governor's Standard shall be designed by the Governor-elect and changes with each new incumbent.

The Standard symbolizes power and authority of the Governor.

The County colors have to be maintained while designing the Standard.

The above is a prototype of the Governor's Standard.

**THIRD SCHEDULE****Section 6—Order of Protocol**

**The following will be the order of Protocol within the County**

1. The President;
2. The Deputy President;
3. Speaker of the National Assembly;
4. The Speaker of the Senate;
5. The Governor;
6. The Deputy Governor;
7. Speaker of the County Assembly;
8. Senator;
9. Women Representative;
10. Member of National Assembly (M.P);
11. The Cabinet Secretary;
12. The Member of County Assembly.
13. County Executive Committee Member;
14. County Secretary;